

**Montana-Wyoming Water Quality Standards/ Coal Bed Methane Negotiations**  
EPA Region 8 Office of Regional Counsel and Water Quality Standards Program, Office  
of Water, Office of General Counsel

**Geographic location or area of activity:** Montana and Wyoming

**Description of activity:** At issue was Montana's adoption of standards for salinity-related pollutants and the implications for Wyoming as the upstream state and for the coal bed methane industry and the environmental and irrigated agriculture communities. EPA, in collaboration with the States of Montana and Wyoming and the Northern Cheyenne Tribe worked to establish and implement a process for discussing the interstate water quality issues and establishing a framework for resolving those issues.

EPA secured the services of a third-party neutral to assist in assessing the goals and objectives of the parties and outline a design for an appropriate process to resolve the parties' concerns regarding intrastate implementation of water quality standards. The parties met regularly, in person and via conference calls. EPA provided technical and programmatic guidance and support, while leaving it largely to the States – the primary participants in the mediated process – to determine how best to solve their problems and create a framework to address important interstate water quality issues.

Because the States and EPA are parties to litigation in Federal Court related to the water quality standards, and Montana was involved in a State Court action regarding these standards, there were significant litigation considerations to factor into the process. In addition, the timeline for resolving the issues was largely dictated and constrained by court-ordered stays.

The high-profile nature of the issues required regular briefings of the Governors of Montana and Wyoming and the EPA Administrator. The President of the Northern Cheyenne Tribe was also involved in several meetings.

Despite more than a year of hard work on the issues between Montana and Wyoming regarding interstate implementation of Montana's water quality standards for salinity-related pollutants, the parties were unable to reach a final agreement. However, the extensive policy and technical discussions between the states during this process have significantly increased their understanding of the issues and forged working relationships that will contribute to interstate and EPA-State cooperation on management of shared water quality challenges into the future.

**Interagency partners:** State of Wyoming, State of Montana, Northern Cheyenne Tribe, U.S. Department of Justice, Region 8 Office of Regional Counsel and Water Quality Standards Program, HQ Office of Water and Office of General Counsel